

Sixth Appellate District

San Jose, California

MONDAY, DECEMBER 1, 2008

The following case is submitted this date:
H032897 In re BABY GIRL G.; D.F.C.S v. G.G.

H032973 NOFTSINGER v. ROBERT

By the Court:

Appellant's motion to vacate dismissal is granted. The dismissal order filed November 17, 2008 is vacated and the appeal is restored to active status. Appellants opening brief is due 5 days from the date of this order.

Dated: December 1, 2008 RUSHING, P.J.

TUESDAY, DECEMBER 2, 2008

H032988 PEOPLE v. MORAN

The judgment is affirmed. (not published)
(Duffy, J.; We concur: Mihara, Acting P.J., McAdams, J.)
Filed December 2, 2008

H032574 PEOPLE v. MORALES

The probation condition concerning defendant's participation in court proceedings or presence at courthouses is modified to read as follows: "You shall not be present at any criminal court proceeding or at any criminal courthouse building or criminal courtroom unless you are scheduled for a court hearing or have the express permission of your Probation Officer." As modified, the judgment is affirmed. (not published)

(Duffy, J.; I concur: Mihara, Acting P.J.; concurring and dissenting opinion by: McAdams, J.)
Filed December 2, 2008

H031649 PEOPLE v. SINGH

The judgment is affirmed. (not published)
(Elia, J.; We concur: Rushing, P.J., Premo, J.)
Filed December 2, 2008

WEDNESDAY, DECEMBER 3, 2008

(no minute approved orders)

Sixth Appellate District

San Jose, California

THURSDAY, DECEMBER 4, 2008

The Court met in its courtroom at 333 West Santa Clara Street, Suite 1060, San Jose, California. Present: Mihara, Acting P.J.; McAdams, J.; Duffy, J.; and Jane Valdez Flor, Deputy Clerk.

H032158 PEOPLE v. GROBMAN

Cause called and argued by William Robinson appearing for Appellant and by Joan Killeen, Deputy Attorney General, appearing for Respondent. Cause ordered submitted.

H031740 COUNTY OF SANTA CLARA, et al. v. SUPERIOR COURT OF SANTA CLARA COUNTY; NAYMARK, et al.

Cause called and argued by Marcy L. Berkman, Deputy County Counsel, appearing for Petitioners and by James McManis appearing for Real Parties in Interest. Cause ordered submitted.

H031741 STATE OF CALIFORNIA, et al. v. SUPERIOR COURT OF SANTA CLARA COUNTY; NAYMARK, et al.

Cause called and argued by Anthony Hakl III, Deputy Attorney General, appearing for Petitioners and by James McManis appearing for Real Parties in Interest. Cause ordered submitted.

H031897 CITY OF CAMPBELL, et al. v. SUPERIOR COURT OF SANTA CLARA COUNTY; NAYMARK, et al.

Cause called and argued by William R. Seligmann appearing for Petitioners and by James McManis appearing for Real Parties in Interest. Cause ordered submitted.

H031898 CITY OF SAN JOSE, et al. v. SUPERIOR COURT OF SANTA CLARA COUNTY; NAYMARK, et al.

Cause called and argued by Brian C. Hopper, Deputy City Attorney, appearing for Petitioners and by James McManis appearing for Real Parties in Interest. Cause ordered submitted.

H031920 CITY OF PALO ALTO, et al.

Cause called and argued by Donald Alan Larkin appearing for Petitioners and by James McManis appearing for Real Parties in Interest. Cause ordered submitted.

H031952 TOWN OF LOS GATOS, et al. v. SUPERIOR COURT OF SANTA CLARA COUNTY; NAYMARK, et al.

Cause called and argued by Orry Korb appearing for Petitioners and by James McManis appearing for Real Parties in Interest. Cause ordered submitted.

Sixth Appellate District

San Jose, California

Thursday, December 4, 2008 (continued)

H030494 K.C. MULTIMEDIA, INC. v. BANK OF AMERICA TECHNOLOGY AND OPERATIONS, INC.

H031026 K.C. MULTIMEDIA, INC. v. BANK OF AMERICA TECHNOLOGY AND OPERATIONS, INC.

Cause called and argued by Richard Lawrence Antognini appearing for Appellant and by Allen Ruby appearing for Respondent. Cause ordered submitted. Court recesses until the 1:30 p.m. calendar.

The Court reconvened at 1:30 p.m. in its courtroom at 333 West Santa Clara Street, Suite 1060, San Jose, California. Present: Bamattre-Manoukian, Acting P.J.; Mihara, J.; McAdams, J.; and LaNae Brooks, Deputy Clerk.

H031894 PEOPLE v. KRALOVETZ

Cause called and argued by Heather Mackay appearing for Appellant and by Bruce Ortega, Deputy Attorney General, appearing for Respondent. Cause ordered submitted.

H032543 BELKIN v. QUINET

Cause called and argued by Walter H. Walker III appearing for Appellant and by Jeanette Nicole Little appearing for Respondent. Cause ordered submitted.

McAdams, J. leaves the bench. Duffy, J. takes the bench.

H031164 PEOPLE v. CHEEK

Cause called and argued by Moona Nandi, Deputy Attorney General, appearing for Appellant The People and by Jean F. Matulis appearing for Appellant Cheek. Cause ordered submitted.

Mihara, J. leaves the bench. McAdams, J. takes the bench.

H032196 MOLENDIA v. DEPARTMRNT OF MOTOR VEHICLES

Cause called and argued by Robert A. Harkness appearing for Appellant and by Arthur Dudley appearing for Respondent. Cause ordered submitted. Court is adjourned.

Sixth Appellate District

San Jose, California

FRIDAY, DECEMBER 5, 2008

The following cases are submitted this date:

H033181 In re D.W.; SANTA CRUZ COUNTY HRA v. V.C.
H031834 PEOPLE v. GAUWAIN
H032719 STEPHENS v. LANE
H031728 PEOPLE v. RUIZ
H033064 PEOPLE v. TORRES
H031995 PEOPLE v. PASCALI
H032477 PEOPLE v. RAMIREZ
H032898 PEOPLE v. AYLSWORTH
H033017 In re A.H.; D.F.C.S. v. J.M.
H032646 DROBAC v. BURNS, et al.
H032622 PEOPLE v. ABUNDIZ

H031048 MURGUIA v. MURGUIA; ONISHI, et al.

By the Court*:

Appellants' petition for rehearing is denied.

Filed: December 5, 2008

*Before Bamattre-Manoukian, Acting P.J., Mihara, J. and Duffy, J.

H031468 SPINKS v. EQUITY RESIDENTIAL BRIARWOOD APARTMENTS

By the Court*:

On the court's own motion, rehearing is granted.

Filed: December 5, 2008

*Before Bamattre-Manoukian, Acting P.J., McAdams, J. and Duffy, J.

H031723 LAUB, et al. v. DUDLEY

By the Court*:

Appellant's petition for rehearing is denied.

Filed: December 5, 2008

*Before Bamattre-Manoukian, Acting P.J., Mihara, J. and McAdams, J.

H032472 DUDLEY v. TOSTEVIN, et al.

By the Court*:

Appellant's petition for rehearing is denied.

Filed: December 5, 2008

*Before Bamattre-Manoukian, Acting P.J., Mihara, J. and McAdams, J.

Sixth Appellate District

San Jose, California

Friday, December 5, 2008 (continued)

H031215 PEOPLE v. NGUYEN

The judgment is reversed, and the matter is remanded with directions to the trial court to hold a hearing to determine whether unusual circumstances exist that establish defendant's ability to pay attorney's fees. If the court determines that such circumstances exist, it shall set an appropriate amount of attorney's fees within defendant's ability to pay and reinstate the remainder of the judgment. If the court concludes that no such circumstances exist, it shall strike the attorney's fees order and reinstate the judgment. (not published)
(Mihara, J.; We concur: Bamattre-Manoukian, Acting P.J., Duffy, J.)

Filed December 5, 2008

H033433 A.C., et al. v. SUPERIOR COURT OF SANTA CLARA COUNTY;
DFCS

By the Court*:

Petitioner A.C.'s petition for rehearing is denied.

Filed: December 5, 2008

*Before Bamattre-Manoukian, Acting P.J., Mihara, J. and McAdams, J.

H033433 A.C., et al. v. SUPERIOR COURT OF SANTA CLARA COUNTY;
DFCS

By the Court*:

Petitioner R.F.'s petition for rehearing is denied.

Filed: December 5, 2008

*Before Bamattre-Manoukian, Acting P.J., Mihara, J. and McAdams, J.